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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/617,234	07/14/2000	Takehiro Yoshida	35.G2619	5377
5514 7590 01/31/2007 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER PARK, CHAN S	
			ART UNIT	PAPER NUMBER
			2625	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/31/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/617,234

Applicant(s)

YOSHIDA, TAKEHIRO

Examiner

CHAN S. PARK

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4 and 9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4 and 9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

DOUGLAS Q. TRAN
PRIMARY EXAMINER

Tran

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Chan S. Park

DETAILED ACTION

Response to Amendment

1. Applicant's amendment was received on 11/20/06, and has been entered and made of record. Currently, **claims 4 and 9** are pending.

Response to Arguments

2. Applicant's arguments with respect to **claims 4 and 9** have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

3. Claims 4 and 9 are objected to because of the following informalities:

Claim 4, line 12, "the received image" should be -- the received image data --;

and

Claim 9, line 12, "the received image" should be -- the received image data --.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Art Unit: 2625

4. The claims recite an apparatus/method for transmitting image data and the received image data stored in the memory. It is unclear how the first image data is different from the received image data. Is not the first image data also received by the reception unit and stored in the memory? The distinction between the two image data is not clearly defined/claimed in the claims.

5. Furthermore, the claims recite "the transmission of the image data with image sender information added thereto as being used as a transmitter" and "transmission of the received image [data] without image sender information added thereto as being used as a repeater station". It is uncertain as to what is being used as the transmitter and the repeater station. Are the image data with/without the image sender information used as the transmitter and the repeater station? If so, it is unclear how the image data can be construed and used as physical devices? Explanation/clarification from the Disclosure is respectfully requested.

6. The claims recite "image sender information". It is unclear if this sender is referring to an original sender or the middle device that performs the ring-type multiple-address transfer.

7. Claim 4 recites the limitation "the image data" in line 10. There is insufficient antecedent basis for this limitation in the claim. It is unclear if the image data is referring to the first image data or the received image data stored in the memory.

8. With respect to claim 9, arguments analogous to those presented for claim 4, are applicable.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 4 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Watanabe U.S. Patent No. 5,170,428.

9. With respect to claim 4, Watanabe et al. discloses a communication apparatus (facsimile) adapted to perform ring-type multiple-address transfer, said apparatus comprising:

- a memory, (fig. 2, #10, column 3, lines 58-59) arranged to store image data;
- a reception unit, arranged to receive image data and store the received image data to said memory (fig. 2, #10, column 3, lines 58-59);
- a transmission unit (fig. 2, #12 & #13, column 3, lines 27-68) arranged to transmit image data and the received image data stored in said memory;
- an identification unit (fig. 2, #12 & #13, column 3, lines 27-68), arranged to identify whether or not the received data is data assigned to be subjected to ring-type multiple-address transfer; and
- a processor (fig. 2, #6, column 2, lines 48-68, column 3, lines 1-4) arranged to cause the transmission of the image data with image sender information added thereto as being used as a transmitter when the start of ring-type multiple-address transfer is selected, or the transmission of the received image without image sender information

added thereto as being used as a repeater station when the transfer of ring-type multiple-address transfer is selected.

When the start of ring-type multiple-address transmission is selected, that is when the fax apparatus of fig. 2 is used as the transmitter (Fax 2) for initiating the ring-type multiple-address transmission, its own telephone number is apparently added in the transmission. The telephone number is added and transmitted to the repeater station in order to (1) transmit back the transmit repeating result to the transmitting facsimile apparatus (fig. 3, S 29 & S30) and (2) register/store the telephone number of the transmitting facsimile apparatus in the repeater station (col. 6, lines 21-31 and col. 5, lines 41-46). Thus, it is clear that the transmitter information is added when the start of ring-type multiple-address transmission is selected.

Moreover, when the transfer of ring-type multiple-address reception is selected, that is when the fax apparatus of fig. 2 is used as the repeater station (fax 1), the address of the transmitter (fax 2) is apparently not added by the controller of fax 1 since it was already added by the transmitter. Examiner agrees with the applicant, in that the process performed by the current invention might be different (i.e., the transmitter information is not added by the controller of fax 2 in the transmission according to fig. 3B of the original Drawings) than what Watanabe teaches. However, this difference is not apparent in the current claim wording.

10. With respect to claim 9, arguments analogous to those presented for claim 4, are applicable.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

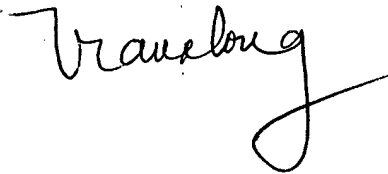
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **CHAN S. PARK** whose telephone number is (571) 272-7409. The examiner can normally be reached on M-F 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on (571) 272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

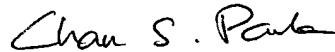
Art Unit: 2625

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DOUGLAS Q. TRAN
PRIMARY EXAMINER



Chan S. Park
Examiner
Art Unit 2625



csp
January 23, 2007